

April 15 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**IN THE SUPREME COURT OF THE STATE OF MONTANA****CASE NO. _____**

RENEE NEARY, as parent and guardian of
Dylan Dallaserra; KRISTI LUCAS and
ALICE JEAN SPEARE; each individually
and as representative members of a class of
similarly situated plaintiffs,

Appellees/Plaintiffs,

v.

BLUE CROSS AND BLUE SHIELD OF
MONTANA, INC., a Montana licensed
health service corporation; and
MONTANA COMPREHENSIVE
HEALTH ASSOCIATION,

Appellees/Defendants.

BRITTANY C. SMITH, individually and as
a member of a similarly situated class,

Appellees/Plaintiffs,

v.

BLUE CROSS AND BLUE SHIELD OF
MONTANA, INC., a Montana licensed
health service corporation,

Appellee/Defendant.

FILED

APR 15 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**NOTICE OF APPEAL**

**On Appeal from the Montana Second Judicial District Court
Silver Bow County
Honorable Bradley Newman
Cause Nos. DV-08-553 and DV-09-401**

ATTORNEYS OF RECORD

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NOTICE is given that Tyson Pallister, Kevin Budd, Jeanette Diaz, and Jessica Normandeau, Appellants in the above-named cause of action filed in the Montana Second Judicial District Court, Silver Bow County, Cause Nos. DV-08-553 and DV-09-401, by and through their attorneys of record, hereby appeal to the Montana Supreme Court of the State of Montana from the district court's **ORDER DENYING MOTIONS TO INTERVENE** dated April 9, 2010.

THE APPELLANTS/INTERVENORS FURTHER CERTIFY:

1. This appeal is not subject to the mediation process required by Mont. R. App. P. 7. Because this is a motion to intervene, it does not meet the criteria of Rule 7 and there is no basis for mediation as the Court can only grant or deny the motion to intervene.

2. This appeal is an appeal from an Order denying intervention and is therefore immediately appealable as it is a final order as to the Appellants/Intervenors.

3. All available transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this Notice of Appeal and that Appellants/Intervenors have complied with the relevant provisions of M. R. App. P. 8(3).

4. Included with Appellants/Intervenors original Notice of Appeal was the filing fee prescribed by statute.

DATED this 15 day of April, 2010.

DIX, HUNT & MCDONALD

BY: 

JAMES G. HUNT, Attorneys for
Appellants/Intervenors

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 15 day of April, 2010, I have filed a true and accurate copy of the foregoing **NOTICE OF APPEAL** with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing **NOTICE OF APPEAL** upon the Clerk of the Second Judicial District Court, Silver Bow County, Montana, and each attorney of record in the above-referenced Montana Second Judicial District Court, Silver Bow County action, by First Class U.S. mail, addressed to the following:


Ms. Lori Maloney
Clerk of District Court
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BY: 
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Appellants/Intervenors